

REMARKS

Claim 1 calls for forwarding a software package including: 1) instructions to install said package and 2) a list of addressees to a first processor-based system. The first processor-based system is enabled to automatically install the package and automatically forward the package, together with at least part of said list of addressees, to a second processor-based system.

The rejection, based on a concatenation of three unrelated references with only the remotest connection to the claimed invention, still does not meet all of the claimed limitations. Namely, the claim limitations require that the first processor-based system receive both the installation instructions, the software package, and a list of addressees. The first processor-based system must install the package and then forward the package with at least part of the list on.

Even if one were to accept the combinabilities of the diverse, plural cited references, they do not teach forwarding the installation package, as well as the list. The cited reference to Slivka teaches nothing but, according to the Examiner, installing the installation package. It does not forward the installation package.

The reason that none of the cited references teach the claimed invention is that none of them contemplated the self-perpetuating system only conceived of by the present inventor. Namely, with the inventor's system, the software package and the list can be sent on from addressee to addressee, automatically installing in successive computers with automatic forwarding. For example, a receiving computer can install the software package after making a copy which it can then forward on to an ensuing system. The concept of making a copy or otherwise both installing and forwarding the installation package is nowhere found in the cited references.

Thus, reconsideration of the rejection of claim 1 is respectfully requested. On the same basis, the other claims should, likewise, be patentable.

Claims 1-26 were also rejected as failing to comply with the written description requirement. It is suggested that "the specification is silent to the software package including instructions to install"

To the contrary, the specification does indicate that installation instructions are included. For example, at page 3, lines 22-25, it is explained that the software may be distributed to clients "that install the software" and then distribute a copy of the software, together with a list of addressees to two additional clients. Further, on page 6, lines 10-13, it is explained that, in some

embodiments, when a software package is received, "it may be immediately loaded if client resources are available to implement the loading routine."

In connection with Figure 3, and the description thereof, particularly the first line at the top of page 9, it is explained that the client software 44 receives the upgraded client list, authenticates it, and then, at block 50, installs it. That client software is the same client software previously described as the software that is distributed to clients at page 3, line 22.

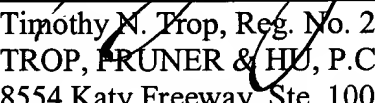
At page 7, lines 3-13, it is explained that, in one embodiment, "the software package may include the software for the receiving client 14 or 16, as well as the software that enables the receiving client, in turn, to distribute the software to the ensuing addressees on the list of addressees." (Emphasis added). In such case, it is explained, in the specification, "not only does the client 14 or 16 receive a software package such as the software update, it also receives the software to perpetuate the software distribution system." (Emphasis added).

Therefore, there is support for the instructions to be included with the software package. The fact that the word "instructions" was not explicitly used in the specification is of no consequence since there is no requirement that the same words be used in the specification and the claims. Certainly, one skilled in the art would understand that software and instructions are commensurate.

Therefore, reconsideration of the Section 112 rejection is respectfully requested.

Respectfully submitted,

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